

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION

ALMA CAMPBELL,

Plaintiff,

v.

LILLY JOHNSON,

Defendant.

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C.A. No. 6:19-cv-371

**DEFENDANT LILY JOHNSON'S NOTICE OF REMOVAL**

Defendant Lily Johnson files this Notice of Removal based on diversity of citizenship pursuant to 28 U.S.C. § 1332 and in support thereof would respectfully show the Court the following:

**I.**  
**BASIS FOR REMOVAL**

1. Removal is proper under 28 U.S.C. § 1332 based on diversity of citizenship because Plaintiff Alma Campbell ("Plaintiff") and Defendant Lilly Johnson (Defendant) are citizens of different states and Plaintiff is seeking damages in excess of \$75,000.

2. On April 4, 2019, Plaintiff filed this lawsuit, which arises out of an injury that allegedly occurred during a motor vehicle collision, in 414th District Court of McLennan, Texas. The lawsuit is styled Cause 2019-1189-5; *Alma Campbell v. Lilly Johnson*.

3. In her petition, Plaintiff states that he is an individual that is a citizen of Texas. (Please see Plaintiff's Original Petition attached as Exhibit A).

4. Plaintiff erroneously states in her Petition that Defendant Lily Johnson is a citizen of Texas. (Exhibit A).

5. Defendant Lily Johnson is a resident of Wisconsin. (Exhibit B).

6. In her petition, Plaintiff states that she seeks monetary relief over \$1,000,000. (Exhibit A).

7. Because Plaintiff and Defendant are citizens of different states, and Plaintiff is seeking recovery against Defendant in excess of \$75,000, the elements for removal under U.S.C. § 1332 are satisfied.

8. Defendant received a copy of Plaintiff's Original Petition on May 16, 2019, through hand delivery. Therefore, this Notice of Removal is timely under U.S.C. § 1446. (Return of service attached as Exhibit C).

9. Defendant filed her answer on May 31, 2019. (Exhibit D).

10. All pleadings, process, orders, and other filings in the state court action are attached to this Notice as required by 28 U.S.C. § 1446(a). A copy of this Notice is also concurrently being filed with the state court and served upon Plaintiff as required by 28 U.S.C. § 1446(d).

11. Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division embrace McClellan, Texas, the place where the removed action is pending.

## **II. PRAYER**

BASED ON THE FOREGOING, Defendant Lily Johnson requests that this action be removed from the 414th Judicial District Court in McClellan County, Texas to the United States District Court for the Western District of Texas, Waco Division.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ Randy A. Nelson \_\_\_\_\_  
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**ATTORNEY FOR DEFENDANT  
LILY JOHNSON**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing pleading has been submitted electronically with the clerk of the U.S. District Court, Western District of Texas, Austin Division, using the court's electronic case file system. I hereby certify that I have served the same on all counsel of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

**By: E-file**

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***Counsel for Plaintiff***

Date: June 13, 2019

/s/ Randy A. Nelson  
Randy A. Nelson